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ATTORNEY'S DOCKET NO: B0221/7409

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul J. Mulhauser and Paul C. Di Cesare
Serial No: 07/866,689 ~~886,689~~
Filed: May 20, 1992
For: IMPLANTABLE PROSTHESIS AND METHOD AND APPARATUS
FOR LOADING AND DELIVERING AN IMPLANTABLE
PROSTHESIS
Examiner: Nguyen, D.
Art Unit: 3308

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the 13th day of April, 1993.

Jason M. Honeyman
Registration No. 31,624

HON. COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith for filing are the following documents:

- [XX] Statement Filed Pursuant To The Duty of Disclosure
Under 37 CFR §§1.56, 1.97 AND 1.98
- [XX] Form PTO-1449 with cited References

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

A check in the amount of \$200.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

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Jason M. Honeyman
Reg. No.: 31,624
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Tel. (617) 720-3500

DATE: April 13, 1993
2536U

ATTORNEY'S DOCKET NO: B0221/7409

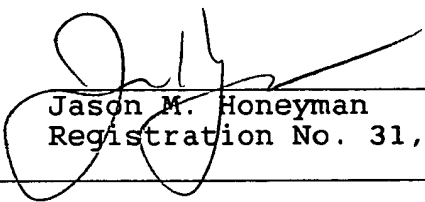
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Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
April 13, 1993

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Jason M. Honeyman
Registration No. 31,62

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. ☐ This Information Disclosure Statement has been filed
(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of a
National Application.
2. ☐ within three months of the filing date of the entry
of the National Stage, as set forth in 37 C.F.R.
§1.491, in an International application.
3. ☐ before the mailing date of the first Office Action
on the merits in the above-identified case.

No fee or certification is required.

B. ☒ This Information Disclosure Statement has been filed
more than three months after the filing date of this
application and after the mailing date of this first Office
Action, but before the mailing date of either a final action
under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R.
§1.311.

(check 1 or 2 below)

1. ☒ The fee of \$200 as set forth in 37 C.F.R.
§1.17(p) is enclosed.
2. ☐ The Applicant hereby certifies, as specified in 37
C.F.R. §1.97(e), that
(check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 and before payment of an Issue Fee.

1. The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:

(check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than

three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A Petition requesting consideration of the Information Disclosure Statement is attached.

3. The Petition fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II - Information Cited

☒ A. The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

☐ B. The Applicant hereby makes the following additional information of record in the above-identified application:

[] PART III: Explanation of Non-English Language References and
Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified U.S. and foreign patent(s) and publication(s) is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Respectfully submitted,

By: 

Jason M. Honeyman
Registration No. 31,624
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
Tel. (617)720-3500

Docket No. B0221/7409
Dated: April 13, 1993
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